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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/221,110	12/28/1998	MONICA PATEL	91436-139	5133

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DOWELL & DOWELL
1215 JEFFERSON DAVIS HIGHWAY
SUITE 309
ARLINGTON, VA 22202

EXAMINER

HARPER, KEVIN C

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 04/09/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/221,110

Applicant(s)

PATEL ET AL.

Examiner

Kevin C. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 1998.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 1998 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: _____

Drawings

1. The drawings are objected to because Figure 1, item 10 requires descriptive labeling. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1-6 and 11-14 are objected to because in independent claims 1 and 11, each line 3, "computing in" should be --computing device in--. Claims 4-5 are objected to because in claim 4, line 2, "compliant network" should be --compliant network message--. Claim 13 is objected to because it is dependent upon itself. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shurmer et al. (US 5,974,237).

3. Regarding claims 1, 4-7 and 15-17, Shurmer discloses a method of requesting operations and management data from a switch in a data packet network at a computing device (abstract, lines 1-6; Figure 1; col. 4, lines 46-53; col. 5, line 63 through col. 6, line 2) via the data packet network (col. 8, lines 28-36). A connection is established between the computing device and the switch (col. 9, lines 24-28) which inherently results from a request packet sent from the computing device to the telephony switch containing network addresses specifying the network switch and the computing device in order to properly establish the connection and route data on the data network. However, Shurmer does not disclose the switch as a telephony switch. One skilled in the art would recognize that data networks (i.e. ATM) typically carry telephony data (voice information) along with other types of media data. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have the data switch of Shurmer also carry telephony data (hence becoming a telephony switch) as a matter of design choice. Further, Shurmer does not disclose a first message identifier type and a second message identifier type as claimed. One skilled in the art would recognize that various management fields are typically used to identify the intended function of a packet as well as actions to be performed by the destination based on available command options. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have different message identifiers

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for a packet in the invention of Shurmer in order to request or command the destination to perform a specified action.

4. Regarding claims 2-3 and 9-10, Shurmer does not disclose providing a security exchange for the connection between the telephony switch and the computing device which communicates login information to the telephony switch. One skilled in the art would recognize that authentication is used to generally prevent unauthorized access to a system. Therefore, it would have been obvious to one skilled in the art for the computing device to be authenticated by the telephony switch as a matter of design choice.

5. Regarding claim 8, Shurmer does not disclose an alphanumeric identifier of the telephony switch. One skilled in the art would recognize that addressing by an alphanumeric MAC address (and optionally including another address such as an IP address) is often used to route packet data. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to use an alphanumeric identifier to route packets in the invention of Shurmer as a matter of design choice.

6. Regarding claim 11-13, Shurmer discloses a method of requesting operations and management data from a switch in a data packet network at a computing device (abstract, lines 1-6; Figure 1; col. 4, lines 46-53; col. 5, line 63 through col. 6, line 2) via the data packet network (col. 8, lines 28-36). A connection is established between the computing device and the switch (col. 9, lines 24-28) which inherently results from a request packet sent from the computing device to the telephony switch containing network addresses specifying the network switch and the computing device in order to properly establish the connection and route data on the data network. However, Shurmer does not disclose the switch as a telephony switch. One

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skilled in the art would recognize that data networks (i.e. ATM) typically carry telephony data (voice information) along with other types of media data. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have the data switch of Shurmer also carry telephony data (hence becoming a telephony switch) as a matter of design choice.

Further, Shurmer does not disclose having a first connection and second connection simultaneously with the telephony switch. One skilled in the art would recognize that multiple connections between different devices is typically used for transferring data related to separate tasks. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to allow multiple connections between a telephony switch and a computing device in the invention of Shurmer as a matter of design choice. Further, Shurmer does not disclose that the first and second connection carry information of differing priorities. One skilled in the art would recognize that information of various connections may differ (such as high importance data that is time-sensitive and low importance data which is not critically time-sensitive).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have multiple connections with differing priorities in the invention of Shurmer as a matter of design choice.

7. Regarding claim 14, Shurmer does not disclose a predefined format for the data packets. One skilled in the art would recognize that various management fields are typically used to identify the intended function of a packet as well as actions to be performed by the destination based on available command options. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to a predefined format for the data packet in the

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invention of Shurmer in order to request or command the destination to perform a specified action.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Herbert (US 5,333,183) discloses a data collection device for acquiring data from a telephone switch (Figure 4).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 703-305-0139. The examiner can normally be reached weekdays, except Wednesday, from 8:00 AM to 6:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached at 703-305-4366. The fax number for Technology Center (TC) 2600 is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office for TC 2600 at 703-306-0377.

Kevin C. Harper



April 4, 2002

**KWANG BIN YAO
PRIMARY EXAMINER**


4/4/02